FARAD CONTINUATION SHEET NO.:
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.844 OF 2003

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.Mustafa Doctor i/by M/s.Crawford Bayley & Co. for Petitioner.

Mr.S.R.Nargolkar, AGP for Res.Nos.1 to 3.

CORAM : H.L.GOKHALE &
SMT.NISHITA MHATRE, JJ.
DATED : 1st October 2004

P.C. :

1. Heard Mr.Doctor in support of this Petition and Mr.Nargolkar, AGP for Respondent Nos.1 to 3.

2. Rule. Rule is made returnable forthwith.

3. This Petition seeks to challenge a decision of Respondent No.3 cancelling the Small Scale Industries' registration of the Petitioner. We have been pointed out that this registration was granted to the Petitioner way back

in the year 1985 and the principal submission of the Petitioner is that the impugned order dated 20th December 2002 does not contain any reasons except that the Petitioner is fully owned by M/s.Johnson & Johnson Ltd., a Large Scale Industrial Undertaking. It is firstly submitted that a detailed representation was filed before the Authority concerned and when a right existing for last nearly 20 years is being abrogated, at-least some reasons to justify the decision ought to be reflected in the impugned order. The second submission of Mr.Doctor is that the Petitioner be given an opportunity of being heard through its representative.

4. Mr.Nargolkar, learned AGP appearing for the Respondents, has taken instructions from one Mr.Korabu, Deputy Director of Industries of the State of

Maharashtra, who is present in Court. He states that the Respondents are agreeable to give a fresh hearing to the Petitioner. In view of this statement of Mr.Nargolkar, we set aside the impugned order dated 20th December 2002. The interfering into this order does not mean anything more than what is stated above, namely, that it does not contain reasons and, therefore, the same is being interfered.

5. The Joint Director will afford a hearing to the Petitioner and thereafter, pass an order reflecting the reasons for whatever decision he arrives at, at the end of the hearing. Mr.Nargolkar, AGP, apprehends that if a personal hearing is given, the decision making process may get prolonged. Mr.Doctor assures that the representative of the Petitioner will remain present

whenever required by the Joint Director. The Joint Director will decide the revived proceedings preferably within two months and in any case, by the end of December 2004.

6. Rule is made absolute as above.

(H.L. GOKHALE, J.)

(NISHITA MHATRE, J.)